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Attorney's Docket No. 034183/233887

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/876,760 Confirmation No.: 2221
Applicant(s): Scheuber et al.
Filed: June 7, 2001
Art Unit: 2854
Examiner: J. E. Culler
Title: METHOD AND APPARATUS FOR PROVIDING TEXT ON PRINTED PRODUCTS

Docket No.: 034183/233887
Customer No.: 00826

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 41.41

This Reply Brief is filed in response to the Examiner's Answer mailed November 18, 2005, and serves to amplify the Argument section of the Appeal Brief filed August 15, 2005.

1. Mowry does not disclose the step of printing a partially transparent contrast panel onto a printed product:

1.1 No step of printing onto a printed product:

"Printing" as generally understood by the skilled person means covering a surface partly or completely with ink to form an image, i.e. the ink is applied directly to the surface. Mowry, on the other hand, uses a different image forming process, as described in col. 1, line 59 to col. 2, line 2: Areas 20 and 26 are coated with layers 50 and 52 which include a first free chemical substance and a second chemical substance which is held immobilized in frangible capsules. Upon application of pressure, the second chemical substance is released from the capsules and reacts with the first chemical substance to form an "ink". Please note that "ink" is put in parenthesis (col. 2, lines 1 and 27), so Mowry itself does not

consider it to be conventional ink which is colored by itself and visible from the beginning on. The "ink" of Mowry gains its color only by means of a chemical reaction of two components under the influence of pressure. Thus, there is no printing process, where ink is applied to the surface of the product.

It is correct that Mowry mentions an impact printer (col. 2, line 12). This printer applies conventional ink on top of the layers 50 and 52 by using a printing ribbon 60 (see Fig. 4). Additionally, by means of the impact, information is formed beneath the layer 50, 52 by said chemical reaction. By means of the ribbon 60, the same information is printed onto the layers 50, 52. Thus, if there is a printing process in the sense of the invention, it comprises only printing the information onto the layers 50, 52 by the conventional printing ribbon 60.

1.2 No partially transparent contrast panel:

In the Answer, the Examiner refers to Fig. 3 and argues that reference numeral 40 designates a partially transparent contrast panel which allows the printed surface of the printed product, 20, to be seen therethrough. This is not correct. As described in col. 1, line 38-44, the word "dollars" is printed as a positive in diagonal rows 30 in the region of the area 20 where the dollars would appear. Furthermore, the word "cents" is printed in negative form in diagonal rows 40 in the cents region of the area 20. The area designated with reference numeral 40 is thus not a partially transparent contrast panel, but simply the background of the cents region of area 20. The somewhat speckled appearance of the area designated with 40 in Fig. 1 and 3 is due to the bad quality of the drawings of Mowry failing to correctly show the word "cents" in negative form, i.e. left blank on a background.

Thus, the cents region 40 itself cannot be seen as a contrast panel.

By the image forming process described above, a black image overlying the dollars and cents region 30, 40 is created. In Fig. 3, said image has the shape of (from left to right) two arrows and a "pay only" writing in positive form, the numeral eight in negative form (i.e. left blank with black surrounding) and the numerals "04" in positive form printed on the "speckled" field 40. It is important to note that the "dollars" printing cannot be seen through the black image (only through its blank areas forming the numeral "8"). As "partially transparent" is defined in the specification as "allowing the printing on the printed surface to be seen therethrough", the black image cannot be regarded as partially transparent. It is not at all transparent, as the "dollars" printing is invisible. Consequently, the aim of the inventive partially transparent contrast panel, to maintain visibility of the underlying information and to improve appearance of the printed product, is not achieved.

2. The skilled person would not combine Mowry with Fröhlich

This issue has been addressed in detail in the Appeal Brief. However, we believe that it should be mentioned once more that Mowry concerns production of a financial product in order to improve its security. Fröhlich concerns printing information onto conventional printed products conveyed in an imbricated stream. Apart from the fact, that even the combination of these teachings would not lead to the claimed invention (in particular because of lack of a partially transparent contrast panel), there are the following arguments against a combination.

In order to print information onto moving products as taught by Fröhlich, one needs a contactless printing method.

Fröhlich explicitly demands an ink jet printer. An impact printer as required by Mowry to release the second chemical substance is not applicable in a moving stream of products, since it requires that the product is fixed in a predetermined position.

Further, even if it were possible to use an impact printer with the Fröhlich method, the skilled person would certainly refrain from treating the financial products of Mowry in such a way. If the Mowry products were conveyed in an imbricated stream, by printing information on one of the products using an impact printer, also the underlying product (per definition of imbricated, there is always an underlying product) would be affected by the impact. This means that unwanted "information" would appear in the area 20 of the underlying product, rendering it unusable. There is no solution to this problem.

Lastly, it defies common sense to allege that financial products (i.e. paying orders) would be conveyed and provided with the financial information in a mass production process, e.g. as taught by Fröhlich. Such financial products are always used one by one; not even bigger companies issue paying orders in such masses that a process like Fröhlich is needed. Furthermore, such paying orders have to be treated in the most careful way, because they are sensitive to pressure, and not in the mass process.

3. "Century of Comics" cannot be combined with Fröhlich

It is not correct that the skilled person would be able to modify the four-color printing process to take advantage of the increased efficiency offered by taking the articles to the printer in an imbricated stream, as alleged by the Examiner in the Answer. The "Century of Comics" explains that the comic pages have been printed by using "seven-by-nine-inch printing

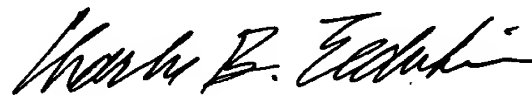
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plates" (1st page, last paragraph). As discussed in the Appeal Brief, this is an unambiguous reference to a printing process where the sheets or a web material is fed page by page or continuously to the printing press. It is not possible to use printing plates while conveying the products in an imbricated stream. An imbricated stream is normally formed after the printing process with the printing press completed. The claimed method contradicts the method used in the "Century of Comics" reference.

Furthermore, there is no hint in "Century of Comics" that transparent ink is used or that different layers are printed on top of one another.

In summary, it is submitted that the additional arguments presented herein further support the applicant's position that the Examiner's rejection of the pending claims should be reversed.

Respectfully submitted,

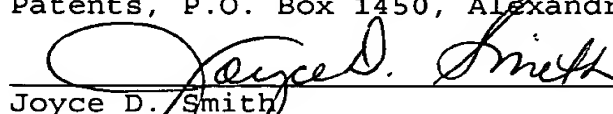


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